

DRAFT PERMIT

PERMITTEE: United Water Connecticut, Inc.
110 Kent Road
Milford, CT 06776

PERMIT NO.: DIV-201001518
TOWN: Bethel
WATERS: Dibbles Brook, ground waters

Pursuant to Connecticut General Statutes section 22a-368, United Water Connecticut, Inc. (the "permittee") is hereby authorized to divert the waters of the state at the Chimney Heights Well located near Pondview Drive, Bethel (the "site") in accordance with the permittee's application dated March 18, 2010, filed with this Department on March 25, 2010 and described herein. The purpose of the diversion is to provide public water supply.

AUTHORIZED ACTIVITY

The permittee is authorized to withdraw a maximum of 0.325 million gallons per day (mgd) and an average day – maximum month withdrawal of 0.285 mgd from the Chimney Heights Well in accordance with plans entitled "Improvement Location Survey / Showing Lot 3 / Property of Bethel Consolidated Company, Inc., and Parcels 'X' & 'X1'", dated November 6, 2007, revised through July 21, 2009, prepared by Surveying Associates, P.C., and documentation submitted as a part of the application.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

1. **Metering of Withdrawals.** The permittee shall install a totalizing flow meter to measure the total amount of water withdrawn from the Chimney Heights Well for which withdrawals are authorized herein, and shall for the duration of this authorization continuously operate and maintain such meter in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.

2. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from the Chimney Heights Well that day. The daily record shall also record the typical hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Special Condition #10 of this permit.
3. **Leak Detection.** Every five years, based upon the schedule below, the permittee shall conduct a system wide comprehensive leak detection survey of the water distribution system and repair any leaks found. The leak detection survey shall follow standards and criteria contained within the AWWA Manual M36 as may be amended or revised. No later than January 30, of the following year, the permittee shall report to the Commissioner of all actions taken pursuant to the leak detection survey, including the number of miles of main surveyed, survey techniques and methodology, leaks found and repairs made. A copy of this record shall be included in the Annual Report to the Commissioner required by Special Condition #10 of this permit. The permittee shall undertake such leak detection surveys on or before November 1, 2011, November 1, 2016, November 1, 2021, November 1, 2026, and November 1, 2031.
4. **Other Restrictions.** The DEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of water uses, or b) the continuation of the diversion may have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
5. **Meter Calibration and Reporting.** The permittee shall biennially beginning in 2011 test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
6. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan, as described in the permittee's application, and in accordance with the permittee's Water Supply Plan as approved pursuant to CGS Section 25-32d and any amendments or updates thereto. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan and a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Special Condition #10 of this permit.

7. **Drought Response Plan.** Upon notification by the Commissioner of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan" (August 4, 2003), the permittee shall limit the authorized total combined maximum withdrawal from the irrigation ponds as follows:

- a. Drought Advisory: 0.293 mgd (10% reduction)
- b. Drought Watch: 0.276 mgd (15% reduction)
- c. Drought Warning 0.260 mgd (20% reduction)
- d. Drought Emergency: 0.244 mgd (25% reduction)

Furthermore, during a declared "Drought Emergency" stage, the permittee shall comply fully with the "Connecticut Drought Preparedness and Response Plan" (August 4, 2003) as may be amended or modified.

8. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least three years after the expiration date of this permit.
9. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall submit in writing a report of the violation to the Commissioner. Such report shall contain the following information:
- a. The provision(s) of this permit that has been violated,
 - b. The date and time the violation(s) was first discovered and by whom,
 - c. The cause of the violation(s), if known;
 - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected,
 - e. If the violation(s) has not ceased, the anticipated date when it will be corrected; and
 - f. Actions taken and actions planned to prevent a reoccurrence of the violation(s) and the date(s) such actions were implemented or will be implemented.
10. **Annual Reporting.** The permittee shall submit by January 30 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:
- a. A copy of the record of daily withdrawals and hours operated as required by Special Condition #2 of this permit,
 - b. A copy of the leak detection report as required by Special Condition #3 of this

- permit.
- c. Summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and Water Conservation Plan and description of actual or estimated water savings achieved, as required by Special Condition #6 of this permit, and
 - d. Denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization.

GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.

6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on [25 years]
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."

12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director
DEP/Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Amey W. Marrella
Commissioner